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Paper No. 34

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OFFICE OF PETITIONS

In re Application of :  
Michael E. ODonnell :  
Application No. 08/828,323 :  
Filed: March 28, 1997 :  
Attorney Docket No. 19603/10213 :

ON PETITION

This is a decision on the petition, filed by facsimile transmission on June 25, 2002, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

**Petitioner is advised that the issue fee paid on April 2, 2002 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>**

Telephone inquiries should be directed to the undersigned at (703) 305-8680.

The application is being forwarded to Technology Center AU 1652 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

  
Frances Hicks

Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

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<sup>1</sup> The request to apply the issue fee to the new Notice must be made in writing and should be accompanied by the new Issue Fee Transmittal Form PTOL-85(b), along with a copy of this decision. Additionally, if the issue fee has increased from the previously paid issue fee, the balance due must be submitted. **Failure to timely request in writing that the previously paid issue fee be applied towards the new Notice and payment of any balance due will result in the abandonment of the application.**



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Paper No. 35

Date : June 26, 2002  
TO : Director, Office of Patent Publication  
FROM : Office of the Deputy Commissioner  
for Patent Examination Policy  
SUBJECT : Withdrawal from Issue of **Application No. 08/828,323**

Applicant(s) : Michael E. O'Donnell  
Application No. : 08/828,323  
Filed : March 28, 1997

The above-identified application has been assigned Patent No. 6,413,753 and an issue date of July 2, 2002.

It is hereby directed that this application be withdrawn from issue at the request of the applicant. Do not refund the issue fee.

The following erratum should be published in the Official Gazette if the above-identified application is published in the OG of July 2, 2002:

"All reference to Patent No. 6,413,753 to Michael E. O'Donnell of New York for DNA POLYMERASE III HOLOENZYME appearing in the Official Gazette of July 2, 2002 should be deleted since no patent was granted."

  
Frances Hicks

Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

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